

1 IN THE UNITED STATES DISTRICT COURT
2

3 EASTERN DISTRICT OF TENNESSEE
4

5 AT CHATTANOOGA
6

7

UNITED STATES OF AMERICA,	:
	:
Plaintiff,	:
	:
v.	:
	:
ROBERT R. DOGGART,	:
	:
Defendant.	:

8

9 1:15-CR-39
10

11 Chattanooga, Tennessee
12 February 13, 2017
13

14 BEFORE: THE HONORABLE CURTIS L. COLLIER
15 UNITED STATES DISTRICT JUDGE
16

17 APPEARANCES:
18

19 FOR THE PLAINTIFF:
20

21 PERRY H. PIPER
22 Assistant United States Attorney
23 U. S. Department of Justice
24 Office of the United States Attorney
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SAEED AHMED MODY
United States Department of Justice
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JURY TRIAL
FIFTH DAY OF TRIAL
EXCERPT OF PROCEEDINGS
CLOSING ARGUMENTS

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Closing Argument by Mr. Mody

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16 - - -

17 MR. MODY: "I don't want to kill children, but
18 there's always collateral damage." Those are some of the last
19 words you heard the defendant tell the source on
20 April 9th outside the City Café. Those are the words you got
21 to see for yourself on the hat camera. Those are the words
22 that the defendant said to a man he believed he had solicited
23 to commit a horrific and terrible crime. Those were the words
24 of a dangerous man who was looking to find gunners and gunmen
25 to help carry out an attack he planned for several months.

26 The defendant said that he had weapons for killing
27 people, 5000 rounds of ammunition, that you saw a fraction of,
28 weapons that he described as "not for hunting game." These

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1 are the tools of man who has a plan, these are the tools of a
2 man who is using them to solicit and recruit people to join
3 him, and these are the tools of a man who is capable of
4 carrying out an attack that he described.

5 During this trial you heard that the defendant came
6 up with a detailed plan to attack an unsuspecting community of
7 men, women, and children in upstate New York. He plainly
8 recognized that he couldn't take out the entire community by
9 himself, so he wanted to bring other people onboard, to
10 solicit other people to commit this crime with him.

11 First he used social media to find his gunners, and
12 you got to see the Facebook posts for yourself beginning in
13 early February 2015. He sent out a message to four or five
14 people, including Shane Shielein, that he had an operation in
15 mind, and then he widened his net to everyone he was connected
16 to by putting up a status update about needing 20 expert
17 gunners, with a target that he planned to utterly destroy.
18 You got to see those messages, and then you got to hear the
19 calls with the source and the calls on the wiretap and then
20 those in-person meetings in Nashville and at the City Café.
21 That's what this case is about, the solicitation of people to
22 commit this heinous act. The reason we're not here talking
23 about a tragedy is because of the work of Agent James Smith
24 and the men and women of the FBI.

25 Now, in the Facebook messages he posts in February

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1 2015 looking for gunners, he talks about kill ratios of 20:1
2 and 30:1. He's not looking for people to do recon. He's
3 looking for people to carry out an attack. He's not looking
4 for people with good eyesight or night vision capability. He
5 wants gunners who are master gunmen who can get a high kill
6 ratio for him. The defendant was serious in this
7 solicitation, and the FBI took him seriously. That's why you
8 heard from Agent Smith that they used a confidential source to
9 connect with the defendant, first on Facebook and then over
10 the phone. They used recorded calls with the source, and then
11 got a wiretap. They got a court order to listen to the
12 defendant's calls in realtime because they wanted to find out
13 when he was planning to attack, who he was planning to attack,
14 and who else was involved in it. And you heard there was
15 surveillance from February till April everywhere he went,
16 tracking devices on his phone and in his two vehicles.

17 The FBI made sure that the defendant never got too
18 close to carrying out his attack, because from very, very
19 early on in these conversations you heard the defendant
20 explicitly describe wanting to take out buildings. You first
21 heard it as early as March 6th when he told the confidential
22 source, "But, still, those guys have to be killed. Their
23 buildings need to be burnt down. And if we can get in there
24 and do that and get out without losing a man, even better."
25 That's as early as March 6th.

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1 You heard at the meeting in Nashville where the
2 defendant told the CI, "You're going to like what you hear."
3 That's part of the sales pitch, the recruitment of the
4 confidential source in Nashville. He brought maps and photos
5 of Islamberg to show the buildings they would attack, the
6 routes they would take, the getaway plan. And then they go
7 back to the hotel room, and that's where the defendant takes
8 out his arsenal of weapons to show off to the source. He even
9 tells the source explicitly, "I brought these to show you that
10 I'm serious, that I'm not kidding." That's when he took out
11 the firearm that he said was meant for killing people and not
12 hunting game. That's when he talked about tracer ammunition
13 that would be used to scare people because it would terrorize
14 them. And that's when he talking about having thousands of
15 rounds of ammunition.

16 The FBI told the source to go along with the
17 defendant's plan. That way they would always have contact
18 with the defendant and they would be sure not to lose track of
19 him. And the defendant made sure that the confidential
20 source's commitment never changed. In fact, there's calls and
21 conversations where the defendant asks, "Hey, you're still
22 committed, right?" Even at the City Café he tells the source,
23 "Look, I know you're committed." And he's not talking about
24 committed to a recon mission. He's talking about committed to
25 an attack. The defendant believed the source was onboard with

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1 this attack, not just a recon mission, and he always made sure
2 to verify that over and over again, because people kept
3 dropping out on him, and you heard the defendant lament that,
4 that people were chickening out because they realized that he
5 was more than just talk. He talked about how people would
6 drop off his list and his list kept getting smaller and
7 smaller.

8 Now, throughout the conversation with the defendant,
9 the source always went along with it, but he never pushed him.
10 You heard from early on the defendant -- the source would say,
11 "You call the shots. It's your puppy." We heard that several
12 times. I'd never heard that phrase before, and so it stuck
13 out in my mind. Several times he said, "This is your puppy.
14 This is your puppy," as early as March 13th and as late as
15 City Café.

16 The only facilitation the source ever did was to
17 make sure that he met up with the defendant in Nashville and
18 that they all met with up with Shane Shielein at the City Café
19 on April 9th. The reason they met up was because the
20 defendant had told him on March 30th, "You know, I wish the
21 four of us could have gotten together," the defendant, the
22 source, Shane Shielein, and William Tint. And you got to hear
23 that conversation for yourself, and you got to hear that
24 nobody was as serious as the defendant.

25 The City Café meeting gave a chance for the

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1 defendant to solicit Shielein in person. You saw the Facebook
2 messages where the -- Shielein had committed to carrying out
3 the attack but then he dropped off the face of the map. So
4 this was the defendant's attempt to get him back onboard with
5 the plan. He told him, "Hey, we're going to talk about
6 serious stuff here." He then went on to solicit Shielein
7 about why they needed to attack Islamberg. He called it "a
8 valid target." And he showed his potential recruits, his
9 gunners, the maps and the buildings they would destroy.
10 Anytime the conversation strayed, he always brought the
11 conversation back to Islamberg and back to the attack. He
12 said it was up to them and the couple guys in South Carolina
13 that he believed he had to attack this community. He worked
14 hard to persuade Shielein to stay committed. And at the end
15 of the day, Shielein said, "I need a day or two to think about
16 it."

17 Over and over again the defendant talked about
18 burning buildings, first on a phone call with the source on
19 March 6th, in Nashville on March 17th. He told his sister
20 Nita about it on March 17th. Five days later he told William
21 Tint in South Carolina, on March 22nd and March 26th. He told
22 his friend Lenny about it two days later. Over and over again
23 he's talking about burning down buildings, a mosque, a school,
24 a cafeteria, a place of worship, a place of gathering, a place
25 where people go to gather and eat, a mosque, a school, and a

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1 cafeteria.

2 And there are some moments that the defendant says,
3 "Well, I don't want to kill people. I just want to burn down
4 buildings." And while the defendant may have not set out to
5 kill children or other people, he was okay with it, they were
6 collateral damage. The buildings he needed to burn, he chose
7 0100, 1:00 a.m., not because people wouldn't be in the
8 buildings, but because there was a tactical advantage. That's
9 when you use the tracer ammunition. That's when you use the
10 night vision. That's when you carry out the attack. You
11 know, he didn't have a specific body count in mind, but he was
12 okay with it because that was the cause. And remember, this
13 is the man who bragged about weapons for killing. He had no
14 issue with hurting people as well as blowing up buildings.

15 Now, for the charges we discuss here today it
16 doesn't matter that the defendant somehow believed in his mind
17 that he was doing something good, that he was protecting
18 Americans. The reality was, he was willing to kill Americans
19 instead. You're not going to hear any instructions from the
20 Court about it's okay if he thought it was okay, that this was
21 justified, because it's nonsense. We're a country of laws
22 that we follow. We don't get to decide who we attack and
23 hurt. We call real law enforcement to do a real job.

24 This trial isn't about the people of Islamberger, and
25 you're probably going to hear the defense get up and talk

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1 about them a lot. They're the victims here. They were just
2 the target that the defendant found on the Internet and
3 different websites, that he then obsessed over for months.

4 There's no question that the defendant said some
5 wild and outrageous things in this case, but that doesn't make
6 him any less dangerous. Look, a man who is going to kill men,
7 women, and children and blow up buildings is going to say some
8 wild stuff and some crazy stuff. That doesn't make him any
9 less dangerous to the community he obsessed and wanted to
10 attack.

11 Threats to hurt people, a plan to hurt people, steps
12 to recruit others to join him in his plan to hurt people is
13 the reason that the defendant has been charged with the
14 following counts in this case. This is a case not about
15 ideas, it's about actions, the actions that the defendant
16 wanted to take because of those ideas.

17 Now, the Court is going to instruct that you there's
18 been four counts, two counts of solicitation to commit a crime
19 of violence and two counts of threats in interstate commerce.
20 We're going to take those two at a time. So let's start with
21 the solicitation counts.

22 Now, Count 1 charges the defendant with soliciting
23 another person to damage a religious building, and there's
24 going to be six elements to this charge: "First, that the
25 defendant intended another person or persons to intentionally

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1 damage or destroy a mosque; second, that under circumstances
2 strongly corroborative of that intent, the defendant
3 solicited, commanded, induced, or endeavored to persuade the
4 other person or persons to engage in the intentional damage or
5 destruction of a mosque." Those two elements require a little
6 more information, so I want to go through 3 through 6 first,
7 and then we'll come back to 1 and 2.

8 So, "third, the damage or destruction would have
9 been because of the building's religious character." Now, you
10 heard over and over again the defendant talk about this and
11 say "mosque." He knew explicitly that it was a mosque, that
12 it was a Muslim church. He said on one call to Larry Smith on
13 March 26th, "They are the soft targets. Pretext of soft
14 targets, in my mind, are religious buildings of the type -- of
15 the evil type, and that would be our Islamic foes." He
16 describes it to Lenny as, "A mosque is a -- a Muslim church."
17 And so he specifically said "a mosque" over and over again.
18 You heard him say that this was a battle between Muslims and
19 non-Muslims. He told Lenny that the attack would "hit the
20 news big time because it's anti-Muslim stuff." At the City
21 Café, when Shielein said, "There's no peaceful Muslim
22 movement," the defendant responds that Muslims "lie real good"
23 and have "a knife in your back." There's no question that the
24 defendant targeted the mosque because of its religious
25 character, and that the religious character played a

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1 determinative role in choosing it as a target.

2 Now, "fourth, that the damage or destruction would
3 have been in interstate commerce or would have affected
4 interstate commerce." The Court's going to give you a more
5 elaborate definition, but the fact that the defendant's plan
6 involved grabbing people from multiple states, driving from
7 Tennessee on the interstates and highways in a car to New York
8 to carry out this attack satisfies the interstate commerce
9 element.

10 "Fifth, that the damage or destruction would have
11 involved the use, attempted use, or threatened use of a
12 dangerous weapon, explosives, or fire." Over and over again
13 the defendant talked about how he wanted to burn down these
14 buildings. In the first conversation in Nashville he talked
15 about using a Molotov cocktail, and wished he had grenades.
16 In another call he wished he had six other -- or a half a
17 dozen grenades, but that they couldn't buy it without being
18 tracked. And then he found William Tint, the man who said,
19 "I've got an EOD guy, an explosives guy," and then they talked
20 about the different detonators, and they would -- the way they
21 could quickly and effectively burn down buildings.

22 And, lastly, that the damage or destruction of the
23 mosque would have constituted a federal crime of violence.
24 Damaging or destroying religious real property is a crime of
25 violence.

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1 So let's turn back to the first two elements that I
2 earlier talked about. The Court's going to instruct you that
3 a defendant's state of mind can be proven indirectly from the
4 surrounding circumstances, like what the defendant said and
5 did. And the Court will instruct you on some of the factors
6 that you can consider as you determine whether the defendant
7 intended for people like the source and William Tint to go
8 burn down the mosque and other buildings.

9 These are a few of the factors that you can
10 consider: The fact that the defendant repeatedly solicited
11 the commission of the offense, and went on at length in
12 soliciting the commission of the offense. You-all have
13 listened to testimony and recordings for three days. You've
14 heard the defendant talk about his plan over and over again,
15 with the source, with William Tint, with Shielein, with people
16 over Facebook, with just family members and acquaintances.
17 The defendant was obsessed with this plan. He brought maps to
18 show people what he intended to do. He talked about burning
19 down buildings over a dozen times, with the confidential
20 source on March 6th, 17th, March 20th and March 25th, with his
21 sister Nita on the phone on March 17th, with William Tint on
22 March 22nd, 24th, and April 9th, with Lenny Ladner on
23 March 26th, at the City Café on April 9th, and with Steve
24 Branca on April 9th. Over a dozen times he explicitly talking
25 about burning down buildings.

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1 Another fact that you can consider is that he
2 expressly said he was serious, to anyone who would listen,
3 about the commission of the offense. And he told his sister
4 he was going to go burn down buildings. He told people that
5 "I'm going to bring my weapons to show you that -- what we're
6 going to use in the attack, because I want to show you that
7 I'm serious and I'm not kidding." He used his weapons as
8 props to show people that this was not a joke, that he was
9 more than someone who talks on Facebook, he's a man of action.

10 Another factor you can consider is the fact that the
11 defendant believed or was aware that the person he solicited
12 had previously committed similar offenses. So look at the
13 cast of characters. You heard Agent Smith say that they gave
14 the source a back story as a way to connect with the person
15 they are trying to get information from, and so the source
16 came up with the back story that he had killed some Middle
17 Eastern people across the border, and that's how he reached
18 out to the defendant to get some advice. And it worked. The
19 defendant reached out to him on Facebook, and then they
20 connected over the phone. The defendant believed he had
21 someone in the confidential source that would carry out this
22 attack for him.

23 William Tint said that he knew explosives, had a
24 military surplus supply store where they could outfit
25 everyone, and that he could get more men for the operation.

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1 The defendant believed he had someone in Tint who was willing
2 to carry out this attack, who knew explosives, who had another
3 man who could do explosives for them, and who could get more
4 men, to get the 10 or 20 members that the defendant believed
5 he wanted to use in the attack.

6 And at the end of the day, the numbers didn't
7 matter. You heard the defendant and the source talk about,
8 "Hey, if it's just you and me, the two of us, we'll go up
9 there and do some damage. We're such good gunners, we're
10 going to take out a lot of them before they get to us."

11 And then Shane Shielein the defendant described in a
12 meeting in Nashville as "someone you let loose in a time of
13 war." He had a man in Shielein that he believed would carry
14 out this attack, the type of person he needed to execute the
15 plan.

16 You also heard that the defendant acquired--
17 Another factor you can consider is that the defendant acquired
18 weapons, tools, or information suited for use by the person
19 solicited or made other apparent preparations for commission
20 of the offense. He brought weapons to Nashville. He brought
21 weapons to South Carolina to show them to William Tint, even
22 though the meeting didn't happen. And he told the
23 confidential source, "I'm taking my weapons to South Carolina
24 to show them what we're going to use in the attack." He
25 printed off maps and photos to show people how they would

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1 attack. And at one point he even offered the confidential
2 source one of his weapons because the source wouldn't be able
3 to fly on the plane with them.

4 Now, we also know that the defendant was serious
5 because he tried to cover his tracks. Although he told people
6 he knew he was being listened to, that was puffery, and made
7 him seem more serious, and made him seem more important, and
8 became an effective recruiting tool. Time and time again the
9 defendant warned about his planned attack being discovered by
10 law enforcement. He told the source, "Loose lips sink ships."
11 He told William Tint on April 9th that now they needed to
12 speak in code language by using the word "fireworks" instead
13 of "explosives." The defendant's desire to keep his plan from
14 being discovered by law enforcement is more evidence that he
15 was serious in the solicitation of these people to commit the
16 attack with him.

17 Now, Count 2 charges the defendant with soliciting
18 another person to maliciously damage or destroy a building by
19 means of fire or explosive. Now, the first two counts are
20 very similar to the counts you saw in Count 1. So first of
21 all I want to go through Counts 3 and 4 and 5, and we'll come
22 back to 1 and 2. So instead of a mosque because of its
23 religious character, it's simply a building that is used in
24 interstate commerce; the same building, the mosque. So one of
25 the elements is that the building was used in interstate

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1 commerce or was used in an activity affecting interstate
2 commerce. You heard from Rashid Clark and Noori Brooks that
3 there is a summer camp every summer that brings in kids from
4 all over the country, that they use the mosque for religious
5 worship and they use it for classes. You heard that people
6 pay a fee for room and board at the camp and that it varies,
7 but they won't turn anybody away, even if they can't afford
8 it. You heard that the second floor of the mosque is a
9 printing press that got started in February of 2015, and that
10 they started making books and buying supplies between February
11 and April 2015 --

12 THE COURTROOM DEPUTY: Mr. Mody, you have two
13 minutes.

14 MR. MODY: Thank you.

15 -- and that that year in 2015, after starting the
16 new business, they made about \$4000.

17 And, "fifth, that the damage or destruction would
18 have constituted a federal crime of violence." Arson is also
19 a crime of violence.

20 And, "fourth, that the means -- the damage or
21 destruction would have been by means of fire or explosive."
22 Again, over and over again the defendant talked about using
23 fire and explosives.

24 Now, Counts 3 and 4 charge the defendant with
25 willfully making a threat in interstate commerce. Count 3

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1 specifies that the threat occurred on March 22nd, and Count 4
2 specifies that Count 3 -- that the threat occurred on
3 April 9th. Now, this element has three counts: First, that
4 the defendant made a threat to kill, injure, or intimidate any
5 individual; second, that he used an instrument of interstate
6 commerce like a telephone; and, third, that the defendant
7 acted knowingly and willfully.

8 You're going to hear the definition -- the Court's
9 definition of a true threat; the Court will instruct you that
10 it is one that is a serious statement that at its core is
11 employed when one wishes to have some affect or achieve some
12 goal through intimidation, either immediately or at some point
13 in the future. That's exactly what he did here. He wanted to
14 intimidate this community. And we know William Tint took him
15 seriously, because when he said, "I want to go blow up
16 buildings," William Tint said, "Hey, I've got an explosives
17 guy." William Tint took that suggestion seriously -- took
18 that statement seriously.

19 And the defendant's statement of going to burn down
20 buildings and hurt people is intimidation. And you're going
21 to hear that it doesn't matter that the threat wasn't conveyed
22 directly to the target of the threat. The effect that the
23 defendant wanted to have in making this threat was to show
24 Tint that he was serious and other people he was serious.

25 Now, it doesn't matter that the defendant talked

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1 about doing recon first, because he already had his mind made
2 up. He told the source on 3/25 that he was going to go do
3 recon, then come back and say goodbye to his family. He told
4 Steve Branca as late as April 9th that he was going to go do
5 recon "and then come get some guys to go blow up buildings."
6 He was only beginning. "I'm going to do recon, and I'm going
7 to blow up buildings." So there was never any hesitation.

8 MR. PIPER: Hey, let him have two minutes from me.
9 He can take two more minutes from me.

10 MR. MODY: Thank you.

11 THE COURTROOM DEPUTY: Okay.

12 MR. MODY: Even when people tried to reason with him,
13 to say, "Look, if you attack first, you're going to be seen as
14 the bad guy," he would just shrug it off. Larry Smith tried to
15 do that, and warned him, "Don't do it. You're going to be seen
16 as the bad guy."

17 And the defendant said, "We're still going to do
18 this thing." And on April 9th, the same thing, the defendant
19 made comments about burning down buildings to William Tint,
20 and William Tint took those -- those conversations seriously.

21 From the first message on Facebook to the last
22 meeting with the source and Shane at the City Café, the
23 defendant never wavered in his plan to go up and carry out
24 this attack. It doesn't matter that the defendant's chances
25 for success were low, because the stakes were way too high.

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Closing Argument by Mr. Turner

1 That's why the FBI arrested him before he could get anywhere
2 close to carrying out his plan.

3 The Judge will instruct you that the government has
4 the burden of proof. And I submit to you that we have met
5 that burden and the evidence of the defendant's guilt has been
6 overwhelming. And I told you at the beginning of this case
7 that there was a lot of evidence but at the end of the day the
8 case was simple. The defendant wanted to act as judge, jury,
9 and executioner for this community that he had read about on
10 the Internet. He planned an attack, but he needed other
11 people to carry it out with him, and so he went and solicited
12 and recruited those people to join him and he made threats
13 about the attack over the telephone. There's only one verdict
14 supported by the evidence, and that's guilty on Counts 1, 2,
15 3, and 4. Thank you.

16 THE COURT: Mr. Best.

17 MR. TURNER: I'll proceed for the defendant, Your
18 Honor.

19 (Brief pause.)

20 MR. TURNER: Your Honor, may it please the Court.

21 Ladies and gentlemen of the jury, when my wife woke
22 up this morning, she told me we could go to the Super Bowl.
23 I'm going to finally get to go to the Super Bowl. Of course
24 that's not entirely true, because for me to be able to go to
25 the Super Bowl in 2018 in Minneapolis, Minnesota, the Titans

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1 have to win the AFC Championship. And of course that hasn't
2 happened yet. That's an unknown. That's a variable that we
3 don't know. But not only do the Titans need to win the AFC
4 Championship, we're going to Minnesota, so I need some
5 cold-weather gear, I need something to make it through the
6 cold. But that's really not all. That's a year away. So we
7 need some money. I still need to be gainfully employed. We
8 need to be able to afford the Super Bowl tickets.

9 You know, my wife, other than letting me go to the
10 Super Bowl potentially, gave me a beautiful daughter. She's
11 two years old right now. She's got to be not sick. She needs
12 to be healthy. If my daughter's sick, then I'm definitely not
13 going to go to the Super Bowl. That would prevent that from
14 happening. See, I'd like to think I have a plan to go to the
15 Super Bowl, but the truth is, I really don't.

16 You know, I've been working a lot this last week, as
17 you guys have too as jurors. And my daughter is wanting to
18 know when I'm going to be able to spend a little more time
19 with her. And she asked me yesterday, "Can we go to the park
20 Saturday?" And of course I wanted to sell her yes, I wanted
21 to make plans with her. But the truth is, I don't know if I
22 can make plans to go to the park Saturday, because there's a
23 lots of things that would need to happen. It needs to be good
24 weather, it needs to not be raining; once again, she needs to
25 be healthy, and this trial needs to be finished, of course,

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1 before I'm going to be able to do that.

2 But that's not the only situation that we look at
3 things like that. I don't know if any of you guys play the
4 lottery; I have on occasion, not regularly. But I think we
5 all know somebody who plays the lottery on occasion. And what
6 do those people do? They buy their numbers, they buy their
7 scratch-off tickets, whatever it may be, and they talk about
8 what they're going to do, right? They're going to buy a
9 house. They're going to pay off their mortgage. They're
10 going to pay off their parents' mortgage. None of their
11 friends are ever going to have to work again. But what's
12 required? Well, they've got to win the lottery first. Their
13 numbers have to come up. They have to scratch off a winner.
14 It's not an automatic. It's not a guarantee.

15 But it's not just people that do this. The
16 government does this, also. You know, we've got government
17 agreements, the Iran nuclear deal, you guys, I'm sure, have
18 all heard about, other various things. Well, the government
19 makes plans for a worst-case scenario, for a negative to
20 happen, and then they're going to be able to step in, right?
21 The government does that. Does that mean the government's
22 committed to go annihilate Iran? No. But if they do certain
23 things and they become a threat, they become a danger to the
24 world, then they're in a position to do so. Doesn't mean
25 there's a definite plan.

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1 But, in all fairness, sometimes we make plans that
2 have caveats, plans that have condition precedents, and they
3 come true, right? For instance, Donald Trump just became our
4 President, President of the United States. And while he was
5 campaigning, there were a lot of people out
6 there—right?—that said, "Hey, when Donald Trump -- if he
7 wins this election, if he somehow pulls this off, I'm going to
8 move to Canada," right? So what happened? Donald Trump won
9 the election. He's our President. How many of those people
10 have moved to Canada? Barbra Streisand, Miley Cyrus, Lena
11 Dunham, Amy Schumer, Jon Stewart, Cher, Chattanooga's own
12 Samuel L. Jackson, Whoopi Goldberg, even George Lopez, they
13 all said they were headed to Canada. Not a single one of them
14 went to Canada. So even when we have a discussion and that
15 condition comes true, we don't automatically follow through
16 with it. Things change. Sometimes we say things in jest.
17 Sometimes we say things outrageous that are untrue.

18 Now, in this case let's go back a little bit and
19 talk about our witnesses. Now, we had Special Agent Smith,
20 and he was on the stand for a very long time going through a
21 lot of material. But why was Special Agent Smith on the stand
22 for so long? Don't you want to know why he was up there for
23 so long? He was up there for so long because the government
24 did not provide the person speaking on those recordings. Now,
25 we learned that the confidential source passed away. So he

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1 passed away, I understand that. But Shane Shielein, I can
2 report to you, has not passed away. Sally McNulty, who you
3 heard from at the City Café, she has not passed away. William
4 Tint, I can assure you, is alive and well today, and could
5 have easily been brought here from South Carolina to testify.
6 All those assumptions you hear, "Well, he had to believe
7 this," "He had to mean this," "He had to think this," well,
8 they could have asked the person directly. Why didn't they?
9 Why didn't they give you those people? I can't answer that
10 for you. But they certainly did not give you those witnesses.

11 But who did they give you? They gave you Agent
12 Smith. They also gave you Special Agent Fuller; in all
13 fairness, Retired Special Agent Fuller. Special Agent Fuller
14 was in charge of the search warrant in this case. And in all
15 due respect, she's retired, maybe she's forgotten, but she
16 didn't have a whole lot of knowledge of what she recovered.
17 She didn't know how guns worked. She didn't know gun laws.
18 She didn't know if a gun was fully automatic, semiautomatic.
19 She thought a semiautomatic gun can fire a three-round burst.
20 You guys know -- now know that is absolutely untrue. And this
21 is somebody with 20 years in the FBI and 6 years in the Marine
22 Corps, but, for whatever reason, she still thought that. I
23 think we've cleared up her mistakes through other witnesses,
24 but she made a lot of mistakes on the stand about what she
25 recovered, specifically the type of firearms she recovered.

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1 You heard from her, then who did you hear from? You
2 heard from Muhammad Clark. Muhammad Clark is a resident of
3 Islamberg. He, we now know, is the mayor of Islamberg. I'm
4 not sure why he wouldn't tell us he was the mayor of
5 Islamberg. I prodded him pretty firmly on who was the leader
6 of the town, who had roles, and he told me about the trustees,
7 Hussein Adams and Ms. Tahira Smith, but he did not talk about
8 himself being the mayor. I'm not sure why, but he didn't.

9 But here is what he did tell us: He told us that
10 they have a summer camp in Islamberg and this summer camp's
11 been going on for years and this summer camp was canceled in
12 2015, canceled. I'm sure they didn't like that. They
13 canceled the summer camp. But now we know that's not true,
14 don't we? Because today you heard from a Mr. Brooks, Noori
15 Brooks. What did Mr. Brooks tell you? He took the stand,
16 swore to tell the truth, whole truth, nothing but the truth,
17 and what did he do? He also told you summer camp was
18 canceled, canceled. Goes right along with Mr. Clark,
19 canceled. But what did I -- what did I keep asking? I was
20 very curious about these book sales. And one thing we found
21 out, we found out the books were not being sold before
22 Mr. Doggart was arrested. His first sale of a book was in
23 June or July of 2015. You guys remember that? June or July
24 of 2015. Why is that important?

25 Well, "Who did you sell the book to?"

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1 "I sold the book the *Moral Code*."

2 Ironically this book's called *Moral Code*. He sold
3 it to a camper in June or July of 2015.

4 Now, I pose this question to you: If summer camp
5 was canceled, two witnesses told you it was canceled, how did
6 Mr. Brooks sell the *Moral Code* to a camper in June of 2015?

7 Mr. Clark was very clear, "We're scared. There may
8 be somebody out there that's going to harm our camp. We had
9 to shut the camp down for all of 2015." You guys remember
10 that. He said that.

11 Well, to establish interstate commerce, which is
12 important, Mr. Brooks tries to tell you he sold a book to one
13 of those campers. You can't have it both ways, people. The
14 credibility of Mr. Brooks and Mr. Muhammad Clark is highly in
15 question now. They tell you a summer camp is canceled, but
16 they also tell you they sold books to the campers. Why are
17 there campers if it's canceled?

18 What we also learned from Muhammad Clark, that the
19 mosque isn't in business, right? They don't pay employees.
20 They don't have a paid daycare. They don't charge admissions
21 to events. And I know those of you who may go to church here,
22 a lot of churches in this area do those -- do do those types
23 of things, right? We have paid daycares, we have paid
24 employees of the church, we charge admission to a church
25 Christmas play, that sort of thing. But I think it was very

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1 clear that this mosque—and I'm using the word mosque and
2 church somewhat interchangeably, I apologize—this mosque does
3 not do that, they don't conduct business like a church we're
4 used to down here.

5 But they've got a bookstore, right? They've got to
6 be in commerce, because they have a bookstore. Well, what did
7 we learn? So Mr. Clark really didn't know anything about the
8 bookstore, is what came out on cross-examination from him. So
9 we've got a long weekend, we've got three days, all of a
10 sudden we've got a witness today that knows about the
11 bookstore, and that's Mr. Brooks, who undoubtedly lied today.
12 He said there was no summer camp, and then he said he sold a
13 book to a summer camper. Cannot-- Both cannot be true.
14 Impossibility. But he told us he owns the bookstore. The
15 mosque does not own the bookstore. Islamberg does not own the
16 bookstore. The Muslims of America do not own the bookstore.
17 Who owns the bookstore? Mr. and Mrs. Brooks own the
18 bookstore. We found out the bookstore did not go into
19 operation until 2015, they didn't actually have a sale until
20 June of 2015. Once again, I say that's an impossibility,
21 because camp was canceled. But that's what the testimony was.
22 I question if they've ever sold a book. But that's for you to
23 decide.

24 Now, we learned that the mosque does not participate
25 in any profits of the bookstore. Now, they don't have any

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1 profits, of course, because they're never filed taxes. But if
2 they were to file taxes, they have not made a profit, is what
3 the testimony was today. But they also operate rent-free.
4 They claim they're in the corner of this mosque operating a
5 legal entity, an LLC, for profit. Although they haven't made
6 profits, they're operating for profit, but yet they have a
7 rent-free location in a mosque. Isn't that convenient for a
8 building that needs to be in interstate commerce? Isn't that
9 convenient they all of a sudden have a bookstore that's never
10 filed taxes, that sold a book to a camper that doesn't exist?
11 It's convenient.

12 Now, we also heard about donations -- potential
13 donations to the mosque. Neither witness could give a
14 specific person in 2015 who made a donation from another
15 state. Now, you heard today Mr. Brooks said his mom made a
16 donation, but he was very clear that it was in
17 2017—okay?—2017, not 2015. The crimes alleged are 2015
18 crimes. We have to go with 2015 here, guys.

19 Now, all right, so who else did you hear from? You
20 heard from Christie Atkinson and Randy Atkinson. Those were
21 character witnesses for Mr. Doggart, his daughter and
22 son-in-law. You heard that he's a good person, that he's a
23 volunteer, that he gives countless hours both to his
24 profession, pro bono, also to his family, and donates blood, I
25 believe 22 gallons, was the testimony. Now, I'm not the most

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1 repetitive blood donor, so I'm not really sure how much
2 22 gallons is, but those of you that may donate blood on a
3 regular basis may know the answer to that.

4 Okay. But, now, one thing you're going to get from
5 the Judge eventually is an official charge. The Judge
6 mentioned that he sent out a draft of that. And that's the
7 Judge's area, right? I'm not here to tell you what the law
8 is. But I do need to comment on it a little bit. The Judge
9 is going to read those charges to you, and they're rather
10 long, we've got a lot of stuff to go through. And I don't
11 want to bore you with those in my closing, but there are a few
12 things that I want to highlight, and of course the Number 1
13 thing is the presumption of innocence and the burden of proof.
14 You know, my client, just as he was on the first day of trial,
15 and just as he is now, still sits here innocent before you.
16 Okay? Still sits here innocent.

17 Now, one charge that the Judge is going to give you
18 is called entrapment, okay? And I'm not going to go through
19 all the -- the fine details of that, but entrapment. What
20 entrapment means, in a nutshell, is that the government got
21 involved and the government persuaded my client to commit
22 these crimes that he wouldn't have otherwise committed. Now,
23 that's for you to decide. But what I want to point out to you
24 is, it's the government's burden -- as you'll see in those
25 instructions, it's the government's burden to prove beyond a

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1 reasonable doubt that the government did not entrap my client.
2 I don't have to prove they did. They have to prove that they
3 did not.

4 Now, it's also allowed -- just because I argue
5 entrapment and that the CS entrapped my client does not mean I
6 can't also argue that the elements of the offense were not
7 met. So I want to be very careful here that in no way are we
8 agreeing that any crime was committed. We still believe
9 there's major issues with the elements of these offenses I'll
10 get into shortly, but we also believe the only reason my
11 client is here today is because of the involvement of the
12 government and the government pushing this case forward
13 through the use of a confidential source.

14 So let's think about this confidential source a
15 little bit. Who was he? He appears, in his audio recordings,
16 to have an accent, right? He's from El Paso? I believe-- We
17 hear a couple different names, Roberto, Sangre de Lobo, but we
18 don't know who he really is. And the testimony was, he passed
19 away a couple years ago. But what -- what do we do know about
20 this person? Well, first of all, we know he's a civilian.
21 He's not a government agent, not an FBI agent or any agent.
22 And we know he made a lot of money off the government, almost
23 a quarter million dollars, was the testimony, that he's made
24 acting as a source for the government. We also learned that
25 he is paid to push cases along. He doesn't get money if he

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1 doesn't get results, I believe was the testimony. So he's
2 paid to push cases along. In our case we learned, even more
3 so than that, he got a bonus, 10,000-dollar lump sum payment.
4 Now, he had passed away, so it's our understanding that money
5 went to his family. But he got a bonus in this case, for some
6 reason or another, an additional \$10,000. And we didn't hear
7 any testimony that he's paying taxes on that money, either.
8 What we do hear testimony of -- or we hear recordings of is
9 that he's paid for his house, that he doesn't have any credit
10 card debt. He said all that stuff at the City Café. So he
11 definitely appears that he is profiting at the government's
12 expense, if you will, our expense, taxpayers' expense.

13 So, now, what else do we know about Shielein -- I'm
14 sorry, Mr. -- confidential source? We know he says he knows
15 of a Middle Eastern camp across the border, and he's going to
16 go over there and take those people out, right? Well, let me
17 rephrase that. He did go over there and take those people
18 out, right? We all heard that. He's telling my client, in an
19 effort to move this along, get my client to commit crimes and
20 attempt to get my client to commit crimes, he's saying that
21 he's already taken out a camp, he's already gone and killed
22 Muslims, or "Middle Easterners" I believe is the word that he
23 uses.

24 My client asks him-- What's he say? He says, "Was
25 law enforcement looking into this?" He seems shocked. I

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1 think he says, "Oh. Is law enforcement looking into this?"

2 "No. They were with me."

3 He tells my client -- in an effort to get him to go
4 along with him, to get him to talk about criminal activity, he
5 tells him that he's killed people and that law enforcement is
6 working with him.

7 What else do we know about the CS? Well, we know my
8 client met him in person in Nashville. But what we also know
9 about that is, he met him in Nashville because the CS pushed
10 that forward. The CS -- my -- you heard recordings of
11 Mr. Doggart saying, "Don't buy a plane ticket."

12 Then you hear recordings, say, "Hey, I bought a
13 plane ticket, but it's nonrefundable." I believe the
14 testimony was, Mr. Doggart even asked to give him a refund out
15 of his own pocket, he asked -- he offered to pay that back,
16 but the CS said, "No, I've got to come on into town." So he
17 comes on into town, and -- and my client does meet him.
18 Obviously you heard that meeting.

19 Then what else does the CS do to move this case
20 forward? Well, obviously he continues to call my client. If
21 you'll go back and look at the transcripts, you'll see the
22 incoming calls from the CS to my client are way greater than
23 the outgoing calls. He proceeds to set up a meeting, right?

24 Shane Shielein, that's a figure -- another figure
25 you didn't get to hear from. I'm sure he could have added a

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1 lot of insight on this case. He wasn't here. But you got to
2 hear some of him, right? He's on there. Now, remember that's
3 not offered for the truth of the matter asserted. That's only
4 offered for context. I know the government pointed back to
5 many statements by Mr. Shielein, Mr. Tint, and Ms. McNulty,
6 and they -- sure seems like they want you to believe them for
7 the truth of the matter. But the ruling is, they're not
8 offered for the truth.

9 But Mr. Shielein is not here, right? Mr. Doggart
10 says, a few different times—I believe he's talking to
11 Mr. Tint—"I've lost contact with this guy. I'm not talking
12 to him. I don't know what's -- what's going on." So what
13 happens? The CS makes contact with Mr. Shielein, he bridges a
14 gap, he builds a bridge, however you want to say it. He
15 brings Shane Shielein back into the picture. Why does he do
16 that? Well, because he's trying to entrap my client, because
17 he's trying to further a criminal activity. He thinks Shane
18 Shielein is necessary.

19 Now, let's talk about the CS. Does he do these
20 things on his own? I don't think -- I don't think so. The
21 testimony from Agent Smith was, when he does these things,
22 when Mr. Best asked repeatedly, "Well, the CS did this," what
23 would Mr. -- Agent Smith say almost every time? "We have
24 instructed him to do this. We have instructed him to move the
25 case along." So this isn't a situation of a freelance person.

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1 This isn't a situation of somebody that just builds this case
2 on their own, puts a bow around it, knocks on the FBI's door,
3 and says, "Here's your case." That's not what happened here.
4 The CS was working directly with the FBI. They were there
5 with him when he was making some of these phone calls. They
6 were talking in his ear, I'm sure. But they're definitely
7 telling him what to say, they're telling him what to do. And
8 they told him to set up a meeting in Nashville, which he did.
9 And they told him to set up a meeting in Chattanooga, which he
10 did. My client showed up to that meeting 55 minutes after it
11 started. Shane Shielein, Sally McNulty, and the confidential
12 source were there 55 minutes prior. The confidential source
13 set that meeting up; I think that's undisputed from the
14 evidence. There's communication on Facebook between the
15 confidential source and not only Shane Shielein but there's
16 also direct communication with the confidential source and
17 Sally McNulty. Now, I know the government -- the testimony
18 today was, they were trying to keep her out of the meeting,
19 but that's not the way I took that communication.

20 So we've got the CS pushing this case along, but
21 what do we learn every time the CS pushes this case along? We
22 learn that there's not a plan, just like what I talked about
23 in my very initial opening. We talk about things all the
24 time. We talk about big things, little things, going to the
25 park, going to the Super Bowl, and we have caveats, we have

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1 condition precedents, and those condition precedents have to
2 come true for a plan to particularize. But in this particular
3 case we don't even just have that issue, because we definitely
4 never had recon. Undisputed proof, we didn't have recon. We
5 also never have a definite plan.

6 Now, think about that, guys. You heard all of these
7 recordings. You heard the number of participants that were
8 needed for a plan change numerous times. You heard, "Well,
9 we're going to take out the three buildings;" "We're going to
10 take out the whole place," at one point. You heard all kinds
11 of things. You've heard night vision goggles were absolutely
12 necessary. You've heard a machete was necessary. You've
13 heard ten guys were necessary at one time. You've heard about
14 needing to have weapons -- certain weapons. You've heard
15 about BDUs or cold-weather uniforms. You've heard about body
16 armor or Kevlar. You've heard about Mr. Doggart having his
17 bags packed and ready to go. We know that's not true. You've
18 heard about explosives. You've heard about grenades. You've
19 heard about training and meeting with the team to prepare.
20 You've heard about encrypted communication devices. You've of
21 course heard about the recon, one more time. You've heard
22 about William Tint.

23 And, interestingly, it came up earlier today, you've
24 also heard about the mosque, right? This is the transcript.
25 It was part of Government's Exhibit 307T. Okay? "Anyway, you

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1 know--" Robert Doggart speaking, "Anyway, you know, obviously
2 in the entry point there's a little guard shack that's got to
3 go first, a control building in that red roof, and that's
4 where the mess hall is, and then these trailers down here
5 are -- uh, are the mosque areas where they pray and
6 (unintelligible)." You see that? This was at that City Café
7 meeting. This was a day before Robert Doggart was arrested.
8 A day before. He's telling people the day before he's
9 arrested that the mosque is a group of trailers. And the
10 reason that's important is, he's only charged with
11 solicitation of one building. Both Counts 1 and 2 are the
12 same building, the mosque. How can you have a plan to destroy
13 a building when you've got the wrong building? You've got the
14 wrong building. He says it's a trailer. Mr. Clark and also
15 Mr. Brooks today have both been to this mosque, were very
16 clear that this is a permanent structure. It's a block
17 building. You've seen pictures of it. It's clearly not a
18 group of trailers. How can you have a plan when the object of
19 your plan and the object of these charges is not what's in
20 your mind? And that's important because you guys have to
21 judge this case -- you guys have to look at this case through
22 the mindset of my client, okay? And that was the mindset of
23 Mr. Doggart, is that the mosque was a trailer.

24 All right. But what else did Mr. Doggart not have?
25 Well, he never actually used any force. He never did any

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1 recon. There never was an attack. Nobody was ever actually
2 injured. We definitely haven't heard proof of religious
3 intent. Anything you've heard about why Mr. Doggart did this
4 is because he believes these people are terrorists. He has a
5 true belief that the residents of Islamberg are terrorists.
6 Why does he believe that? Well, we know Fox News is the --
7 one of the reasons he believes that, right? Fox News has put
8 evidence out, through news broadcasts. And you're going to
9 have that in the jury room, Exhibit 109 -- Defense Exhibit 109
10 and Defense Exhibit 9, that's going to have some of these
11 articles. These were articles that my client had in his
12 position. These aren't things that we fabricated after the
13 fact, to say, "Why would somebody think this?" These were the
14 things Mr. Doggart was actually reading.

15 And what was he scared about? He was scared that
16 they were going to poison the Delaware River—right?—they
17 were going to also poison a reservoir that supplies New York
18 City, and then I think his worst fear was, they were going to
19 load up in three white windowless vans with AK-47s and go into
20 New York City and kill as many people as they could kill
21 before they were killed. That's what Mr. Doggart believed.
22 That was what was in his mind. Special Agent Smith has been
23 very forthcoming with you that he believes Mr. Doggart
24 believed that, he believes that was what his state of mind was
25 thinking at the time.

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1 But why would an American think that? Why would we?
2 Well, because it's happened before, right? We have had
3 terrorist attacks on our soil. The World Trade Center bombing
4 in 1993 is one to remember. 9/11 has come up multiple times
5 in this trial. You guys have your own experiences and
6 remembrance of 9/11, but it was a terrorist attack against
7 Americans on American soil. And training for that terrorist
8 attack happened in America. They were learning to fly in
9 Florida. They were learning how to fight in various cities.
10 They were here training. So it's not unreasonable for
11 somebody to believe that could happen again. It's not
12 unreasonable to talk to some guys about doing a recon trip to
13 see if this is also a bad place.

14 And just because you do a recon trip doesn't mean
15 you come to a bad conclusion, right? We've heard evidence
16 that Mr. Doggart looked at Dover, Tennessee. Dover,
17 Tennessee, in -- is another hamlet, village, whatever you may
18 want to call it, of people practicing the Islam faith. And I
19 believe they may also be members of Muslims of America there.
20 But Mr. Doggart went there. He talked to the neighbors.
21 There's a little bit of controversy in the proof, I think, of
22 whether he actually was inside the village or talking to the
23 neighbors, the mayor, that sort of thing. But we know he went
24 there. That's been the proof. And he made the determination,
25 after going there, that these are peaceful, benevolent people,

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1 I think -- I believe his words were "on a -- the type of jihad
2 that is a spiritual path back to Allah." And what happened in
3 Dover? Nothing. Nobody was attacked in Dover, nobody was
4 assaulted. There was no raid on Dover because the
5 reconnaissance showed that they were peaceful people.

6 He had a real belief these were terrorists.

7 Mr. Muhammad Clark himself told you, "We know the rumors are
8 out there. We know people think we're bad people. We know
9 Fox News is reporting." He also talked about his found- --
10 the founder of his land, Sheikh Gilani, had been there on site
11 and he shook hands. Well, we also know Sheikh Gilani has ties
12 -- rumored ties to terrorism that are out there in the
13 public's perception.

14 We also know Mr. Brooks had went to Pakistan to
15 visit with Sheikh Gilani. We also know that Mr. Brooks went
16 out of the country, down south, Ecuador, I believe, to visit
17 with somebody who he knows has rumors -- that was released as
18 a terrorist from a Canadian prison, who just happens to be the
19 father of Barry -- I'm sorry, Hussein Adams, who is the
20 trustee of The Muslims of America in Islamberg, the legal
21 owner, I think is what we established through that.

22 So their rumors are out there, and these aren't
23 rumors on Facebook. Well, let me rephrase that. These are
24 rumors on Facebook, but they're also rumors on Fox News. Fox
25 News is a legitimate news source. They are one of our three

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1 major networks, and -- they're a part of one of our three
2 major networks, they're a subsidiary of Fox, and they air news
3 stories. Most people that believe -- or most people that
4 watch Fox News believe what they see on Fox News, they believe
5 it's -- it's news. You guys can make that determination on
6 your own.

7 But who is Robert Doggart? That's really the
8 question. Who is Robert Doggart? You've heard lot of things,
9 not from the witness stand necessarily, but from recordings of
10 Mr. Doggart. And you heard some things that I know did not
11 sound pleasant at times. But what you didn't hear from
12 Mr. Doggart, you didn't hear somebody who seemed just mad at
13 the world and angry and just making crazy, outlandish
14 statements for no reason. It seems like somebody that really
15 has a fear, that really has a concern.

16 Well, what else did you not hear, though? You
17 didn't hear any actual solicitation. At what point did you
18 hear Mr. Doggart specifically give a definite plan and ask
19 somebody to come with him? You didn't hear that. You heard a
20 lot of talk about potential planning. And my position is, we
21 never had a plan.

22 Plans need to be definite. How many of you guys
23 have ever had plans at work? If the plan has A, B, and C, you
24 need to do A, B, and C, right? Well, this plan didn't have
25 that because it wasn't a plan. There wasn't A, there wasn't

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Closing Argument by Mr. Turner

1 B, there wasn't C. There was a whole bunch of stuff jumbled
2 around, mixed around, and it changed, not only daily, but it
3 changed in the same conversations, it changed in the same
4 conversations. So there's not a plan here, guys. There's
5 just not a plan.

6 And to have the mindset to solicit somebody, you
7 also need a plan, and you need to have the intent to carry
8 through with that plan. And we know that's not possible. The
9 reason it's not possible is because if you believe one thing
10 Mr. Doggart said, I think you probably owe it to believe the
11 other things he said. And so if you believe he would do some
12 of these things, you should also believe he would not do
13 anything without first conducting reconnaissance and
14 determining if there is actually a threat, actually a threat.
15 He had no intention to do anything unless there was a threat.
16 And even then, just like my example of the people who were
17 going to move to Canada when Trump wins, they may say they had
18 an intent, but when time came -- when it came time -- when
19 time came to get into the car, did they go to Canada? No.
20 Did Mr. Doggart go to New York? No.

21 We kept hearing a drop-dead date of April 15th,
22 April 15th, 2015. Well, Mr. Doggart was arrested on
23 April 10th, 2015. And what do we know? Let's go backwards a
24 little bit. So when the FBI arrested him on April the 10th,
25 2015, they conducted an interview with him. We didn't get to

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Closing Argument by Mr. Turner

1 hear that interview in court. But while they were conducting
2 the interview, they had many, many agents at his house. You
3 guys know this from Retired Special Agent Fuller. And let's
4 go back through the things they didn't find at Mr. Doggart's
5 house. They found some weapons. I think they found seven
6 weapons, total. Some people say that's a cache or a lot of
7 weapons. I think you guys can use your own judgment. The
8 common house in the Southeast, I don't think seven weapons is
9 anything out of the ordinary.

10 They want to tell you these are bad weapons because
11 they're painted black and they're assault weapons. Well,
12 they're perfectly legal weapons; we know that. The weapon
13 that somewhat looks like a military M16 we know is not; it's a
14 semiautomatic AR-15 that any 18-year-old American without a
15 criminal record or a crime of domestic violence can legally
16 own. Don't even have to be 21. You can buy that gun when
17 you're 18. Fires one round at a time. Does not fire bursts.
18 Is not fully automatic.

19 So what does Mr. Doggart not have? Well, we know he
20 doesn't have fully automatic weapons, right? He doesn't have
21 silencers in his house. He doesn't have any illegal weapons, any
22 weapons that are a crime just to possess. He doesn't have any
23 explosives. He doesn't have any grenades. He doesn't have a
24 single BDU. How many times did you hear, "We'll wear BDUs
25 when we do this, we'll wear BDUs." He doesn't have a single

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Closing Argument by Mr. Turner

1 one. We also heard cold-weather gear. At one point I think
2 it was also called a "cold-weather BDU" or a "polar BDU," and
3 I -- we -- Agent Smith, I believe, responded that that would
4 be a thicker BDU for -- for the wintertime, to keep you warm
5 and that sort of thing, and more than likely would be colored
6 white to blend in with the snow. Doesn't have that, either.
7 Night vision goggles, we talked about, he absolutely does not
8 have. We've asked that question a few times, from Agent
9 Fuller and Agent Smith. Ten guys, what about that? The one
10 number that comes back most commonly is ten, right? At one
11 point we hear five. We hear four. We hear 20, I think, at
12 one point. But the one number that comes up the most, I would
13 say, is ten guys.

14 THE COURTROOM DEPUTY: Mr. Turner, you have five
15 minutes.

16 MR. TURNER: Thank you.

17 We never heard about ten guys, because there weren't
18 ten guys. We don't -- we haven't heard any proof of newly
19 purchased weapons, anything that Mr. Doggart would have
20 purchased specifically for this type of activity or plan. We
21 only know of weapons he previously owned.

22 The FBI was surveilling this guy pretty well. They
23 had an airplane in the air most days. They had his neighbor's
24 house they were using as a surveillance point. They had a
25 tracker on his car. They had a surveillance team following

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Closing Argument by Mr. Turner

1 him nonstop. And you don't hear about any bad activities
2 there, right? You heard he went to South Carolina and saw his
3 grandkids. They want to tell you he was supposed to meet with
4 William Tint, that meeting that did not happen. That's all I
5 can say about that. He did not meet with William Tint. But
6 he did meet with his daughter and grandkids. And of course he
7 went to Nashville—we know that—to meet with the CS.

8 But where is all the surveillance where he's
9 training, where he's showing the master gunner not missing,
10 where he's preparing for combat, preparing for action, he's
11 buying BDUs, he's stockpiling all these machetes and
12 additional guns and grenades? Doesn't exist. They were
13 watching him every day up until they arrested him, and none of
14 that stuff happened. Where's the photos where he tried to
15 drive to New York? Doesn't exist. He never tried to drive to
16 New York. Where's the photographs where he met with William
17 Tint? They don't have them. He did not meet with William
18 Tint.

19 Ladies and gentlemen, there was not a plan.
20 Mr. Doggart had some thoughts that he discussed on the
21 Internet with people he had met on the Internet. Some of
22 those thoughts were pressed forward by the government because
23 they implanted a confidential source, who they paid, to get
24 him to take steps in furtherance of a crime. Mr. Doggart
25 would not have committed this crime, he did not commit this

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1 crime, and the only reason he's in trial today is because the
2 government put a CS into his life to try to put this crime at
3 a much advanced level. It would not have happened without the
4 government's involvement; it only happened because of that.
5 And let's give you a good example of that. Why is that true?
6 Well, what about everyone else we've heard about in this case?
7 What about William Tint? The FBI tried to tell you, "I think
8 he's guilty." Why didn't they charge him? Can they only
9 charge one person? Is there a law that you can only charge
10 one person?

11 Shane Shielein, "He's a bad dude," right? "He'll do
12 it. We've got an investigation on him. He came to
13 Chattanooga to meet." You heard him on the tape, what he
14 said. Has he been charged? Absolutely not.

15 Sally McNulty, another person you heard on the tape.
16 Wouldn't put her at the same level as the other people, but
17 she still is on the tape discussing these actions. Is she
18 charged? No.

19 Chris Powell, another person you heard about, he
20 wasn't charged. Nobody else you heard about was charged,
21 except William Tint with lying to the FBI. He was not charged
22 with any crime involving Mr. Doggart. Mr. Doggart had nothing
23 to do with his statement to the FBI.

24 You know, guys, you know, they say sticks and stones
25 may break your bones, but words will never hurt you. Well,

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Rebuttal Argument by Mr. Piper

1 maybe that's why Shane Shielein's not in jail. Maybe that's
2 why William Tint's not in jail. Maybe that's why Madonna is
3 not in jail, because she just recently said she was going to
4 blow up the White House. But Robert Doggart is on trial for
5 his words. He's on trial for being concerned about terrorist
6 activity in America that was broadcast by Fox News. He's on
7 trial for being an American patriot who is concerned with his
8 country. The government got involved and made -- tried to
9 make a criminal out of Robert Doggart. You're the conscience
10 of the community. I ask you to do your duty. And the only
11 just verdict is finding my client not guilty on all four
12 counts. Thank you.

13 THE COURT: Mr. Piper.

14 MR. PIPER: Thank you, Your Honor.

15 Ladies and gentlemen, Mr. Turner does an
16 admirable -- an admirable effort trying to tell you that the
17 only reason Robert Doggart sits here today is because of the
18 CS, Sangre de Lobo, Blood of the Wolf. I'll be candid with
19 you, you know, had we picked a nickname for a CS, it would not
20 have been Blood of the Wolf, but that's what we had, and
21 here's why we had that, is because Robert Doggart, on
22 February 6th, reached out to a whole bunch of people on the
23 Internet. Sangre de Lobo, the CS, was not one of them. He
24 talked about his attack plan. We've got this in the Facebook
25 postings that we reviewed with Agent Smith I think as early --

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Rebuttal Argument by Mr. Piper

1 as late as this morning.

2 The defendant wants to argue this mish-mosh of,
3 "Well, it was entrapment, but, really, he didn't do anything
4 wrong, anyway, but if he did do something wrong, it was
5 entrapment because the government introduced the CS."

6 And I submit to you, if it was the CS driving this
7 train, please, acquit him, send him home, send him home,
8 acquit him. If the CS is driving the train here, valid
9 defense, perfectly good. But that's not what happened. And
10 your common sense tells you that's not what happened.

11 Everything that Mr. Turner says -- gets up here and
12 maligns Mr. Clark, Mr. Brooks, the two fellows from Islamberg
13 who came down here and testified. Let me tell you, Mr.-- And
14 he wants to argue about, "Well, their memory is bad," or -- or
15 says, "Ironically it was the *Moral Code*," "Ironically." I
16 don't know what's ironic about that. I don't know why he sees
17 fit to demean these two guys who were victims of Doggart's
18 horrible expressions over the telephone and over the Internet.
19 Why is that ironic?

20 Let me tell you what is ironic, is that Mr. Turner
21 says, "Camp wasn't canceled in 2015, because the first books
22 he sent were to campers."

23 If you remember what Brooks said, he said, "I sent
24 them to South Carolina." That's where he sent the books to.
25 Mr. Turner chooses to ignore that.

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Rebuttal Argument by Mr. Piper

1 MR. TURNER: (Moving head from side to side.)

2 MR. PIPER: Go ahead and shake your head, Mr. Turner,
3 but that's exactly what the testimony was.

4 That's exactly what he said. And to think that
5 these two guys are going to get up here and lie-- Look at
6 these people. These two guys are going to get up here and lie
7 to put this gentleman in? (Indicating.) Who does that-- Who
8 is telling the truth on this? Who is telling the truth on
9 this case? It's not Mr. Turner.

10 Let me remind you, when poor old Cathy Fuller,
11 retired FBI agent, gets up here, and all her role is is to
12 bring these -- the Mossberg and the M400 and the ammunition
13 in, the last thing Mr. Turner said to her was, "There's not
14 5000 rounds of ammunition." It wasn't even a question. He
15 just screamed at her and said it.

16 As luck would have it, what was the next thing out
17 of the tape? You-all remember this. Doggart said he had
18 15,000 rounds of ammunition.

19 And I asked Smith, I said, "How much did he have?"

20 And he said, "Approximately 5200 rounds of
21 ammunition."

22 It wasn't even a huge deal. He just wanted to call
23 her a liar. And he gets caught on that. He gets caught on
24 the fact that he's got tracer ammunition. We haven't charged
25 Mr. Doggart with having illegal weapons. There's not one

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Rebuttal Argument by Mr. Piper

1 aspect of this indictment that charges him with having an
2 illegal weapon. What we've charged him with is two counts of
3 solicitation and two counts of threats.

4 And Mr. Turner says, "Well, you've got to have a
5 plan. You've got to have a plan."

6 What he has a plan to do is to solicit people to
7 burn this mosque, and issues threats to do it. That's what
8 his plan is. And while he and I may disagree about the
9 specifics of the plan, he has specifics. He wants to gather
10 people, he wants to recruit, to encourage people to help him
11 do this. He claims it's all conditional upon this recon.
12 But, remember, every time he talks about recon, what's the
13 next thing out of his mouth? The next thing is talking about
14 burning buildings.

15 I don't want to bore you-all with a whole bunch of--
16 I'm going to rip these out. (Indicating.) He talks about--
17 This was the last passage that I had Smith on this morning,
18 and this was from the City Café, and you'll see here this is
19 the portion that we were talking about. "Down here -- the
20 trailers are down there, uh, are the mosque areas." That's on
21 Page 7. On Page 5, probably about a minute before that, let's
22 see what Mr. Doggart says: "Those are the three buildings we
23 looked at. Those are the three buildings we looked at. Take
24 those three out, they're out of business." The context of
25 that conversation was, they were calling this up on the

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Rebuttal Argument by Mr. Piper

1 Internet, they were looking at somebody's cell phone or iPad
2 and they were calling it up. "Take those three buildings out,
3 they're out of business."

4 Mr. Turner claims, "Oh, got nothing to do with it
5 being a mosque. It's got nothing to do with Islam." And I
6 submit to you he appeals to your prejudice, by bringing
7 9/11 in it, by bringing the World Trade Center bombing in it.
8 Didn't mention the coal, mention a number of things he could
9 have mentioned. But as the Court instructed you when you came
10 in in this case, you're going to see a lot of folks who don't
11 look like us. They have different attitudes. They have a
12 different religion. But you know what they are? They're
13 Americans.

14 And Mr. Doggart wants to claim this constitutional
15 adherence. He's a strong constitutional guy. Well, guess
16 what? He's situational in his adherence to the Constitution,
17 he has a situational adherence to it. He loves the Second
18 Amendment, he loves the Tenth Amendment, he says it all the
19 time. Guess what he doesn't love. He doesn't love the First
20 Amendment. He doesn't want to let people practice their
21 faith. He doesn't like the Fifth Amendment, no deprivation of
22 life, liberty, or property without due process of law. That's
23 what he wants to do; he wants to take their property, and
24 possibly even their lives, without due process of law. And
25 guess what else he doesn't like? He doesn't like the

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Rebuttal Argument by Mr. Piper

1 Eighth Amendment, no cruel and unusual punishment. It's
2 pretty cruel and unusual to kill people, to kill children, to
3 kill anybody who comes to put out a fire, and that's what he
4 says he's going to do. He doesn't say it once. He says it
5 all the time.

6 So, ladies and gentlemen, that thing about the
7 trailers -- and I was trying to ask Agent Smith, because
8 Mr. Doggart is appending two different issues together. He
9 says nobody else is charged except Tint. I think Agent Smith
10 explained to you when they interviewed Tint in South Carolina,
11 Tint denied any knowledge of the plan to go burn, he denied
12 any knowledge of having a meeting with Robert Doggart or talks
13 with Robert Doggart. That's what he lied about. That's in
14 South Carolina.

15 He also talks about Shane Shielein. And let's talk
16 a little bit about the danger of solicitation. It's more
17 about the seed you plant than that what you harvest. The
18 danger of solicitation. He's talking to Shielein and poor old
19 Sally McNulty, a realtor from Ooltewah, and she's talking
20 about taking out terrorist training camps. And what's Shane
21 Shielein say? "Well, is there another way to do this? Is
22 there another way to be effective on it? Why don't we poison
23 their water supply? Why don't we put something in Islamberg's
24 water supply and send them a message?" That's what the danger
25 of solicitation is, you get people-- Hey, we've embraced that

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Rebuttal Argument by Mr. Piper

1 Shane Shielein's not a good guy, that he may have some flights
2 of fancy, that he believes he's an archangel, whatever.

3 Mr. Doggart may, too. But he's not arguing insanity here,
4 folks. He's not saying, "I wasn't sane." If anything, he's
5 saying just the opposite, "I knew what I was doing."

6 Let's talk a little bit about this -- let's look at
7 what the best-case scenario is. And this is, again, from a
8 conversation between the CS and Mr. Doggart, and he talks
9 about, "The best-case scenario is, well, we go in there and
10 we -- we go in there with ten guys and we blow up the three
11 buildings, we kill a few of them, or all of them, and all of
12 us die. Now, everybody dies eventually." Now, that's the
13 best-case scenario, "We go in there with ten guys."

14 Here was the worst-case scenario: "We go in there
15 and they're innocent but we kill them anyway."

16 He's got a bias. You've heard it. He said, "I'm
17 going to go up there as a ruse. I'm going to go up there and
18 figure out where these buildings are located, how much
19 manpower they've got, how -- what kind of artillery, what kind
20 of toys they have." He's got a-- He says it a number of
21 times. He says it all the time. "I am going to go up there
22 to do that." He's got this bias in his mind, and Mr. Turner
23 has admitted this; he's either been brainwashed -- as Shane
24 Shielein would say, he's got "cognitive disso-nance" about
25 this brainwashing that either Fox News or the Internet or

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Rebuttal Argument by Mr. Piper

1 whomever puts on him. But that's where his mind is. But the
2 danger is, when he goes out and recruits others, it's that
3 seed that he plants. It's not the harvest. It's not the
4 going to Minneapolis for the Super Bowl. It's that seed that
5 he plants. And that's what the Court's going to instruct you.
6 The act need not be completed. That's certainly true. Had
7 the act been completed, we'd have different charges here.
8 Thank goodness they weren't.

9 Talks about interstate commerce and the mosque.
10 You've heard testimony. The Court's going to instruct you on
11 a place of worship, how interstate commerce can be satisfied
12 by out-of-state people coming in. Certainly the campers came
13 in. He wants to argue about the campers and whether they paid
14 any money. The two gentlemen we called both went to the camp.
15 Both were counselors. They both said yes-- And Mr. Brooks
16 this morning said he paid a hundred and fifty bucks when he
17 went and -- he was 20 years old, I think, 19 years old,
18 perhaps, when he went from California, and he went, and the
19 mosque was part of the experience for the campers, they had
20 religious instruction there. The Court's going to tell you
21 that minimal contact in interstate commerce is all that's
22 required. And certainly there's more than that. This is a
23 famous mosque for the residents of Islamberg, for these
24 Muslims, and people come from all over the country. That
25 affects interstate commerce, ladies and gentlemen. There's no

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Rebuttal Argument by Mr. Piper

1 question that it doesn't.

2 He says it's convenient that the bookstore is in the
3 mosque. That's Mr. Turner, "Well, it's just convenient that
4 the bookstore--" Well, do you think they were lying about
5 that? Do you think that they just got up here and made that
6 up to satisfy the interstate commerce requirement? Brooks
7 told you. If Brooks was going to lie to you, he'd tell you
8 something different. He said they had four to five thousand
9 dollars in sales, he started in February, started gathering
10 the equipment, the first sale was in May, the first shipment
11 was in May, and that was to South Carolina, the same year that
12 the camp canceled.

13 He says the CS made \$250,000. Actually I think it
14 was more like 200,000, the other 50,000 was for expenses, over
15 the course of 16 years, which I think is about \$12,000 a year.
16 Not a great way to make a living, but there are a lot of
17 people out there who do it. And what did Smith tell you? He
18 said, "Well, given the FBI's expenditure in this case," he
19 says, "it was easily a couple hundred thousand dollars with
20 soft money." I wrote that down. I don't really know what
21 soft money is, but I'm assuming Agent Smith meant that that
22 was money they were paying in salaries anyway. My money is
23 hard money, but I'm not an FBI agent. I don't mean to be
24 flippant, but that's what he said, "at least a couple hundred
25 thousand dollars in soft money," with all the people they had

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Rebuttal Argument by Mr. Piper

1 camping out, all the -- all the surveillance and everything
2 they'd done.

3 Then Mr. Turner says, "The CS got a 10K bonus, a
4 10,000-dollar bonus, and we don't know why." And this was
5 after he died. Attempting to impugn the CS. Smith told you
6 why, and the reason was is because the CS had his life
7 threatened by these militia members; and the FBI, generous as
8 they are, decided to give his widow \$10,000 for the threats
9 that he had gone through and the heartache he'd gone through
10 over this case alone.

11 Again, he says the CS pushed it forward, pushed it
12 forward. And Smith told you this: "When you've got
13 grenades-- When you start talking about using grenades, we
14 want to know that. When you start talking about using
15 silencers, we want to know that." Turner wants to criticize
16 this, and I submit to you it's good law enforcement. Ask
17 yourself, is it common sense? Is it reasonable? When you
18 have somebody talking about grenades, wouldn't it be a good
19 idea to have them call somebody and say, "Hey, tell me about
20 those grenades," or "Tell me about those silencers"? That's
21 just common sense, ladies and gentlemen. That's just good law
22 enforcement.

23 And it wasn't the defendant that says, "Oh, I don't
24 want to talk about grenades." He says, "If we get grenades,
25 you know, and we get caught with them, we're in trouble."

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Rebuttal Argument by Mr. Piper

1 Let's talk a little bit more about solicitation and
2 the danger of it. When he talks to Anita Gaunt, Gant—I'm not
3 sure how her name's pronounced—he talks to her about doing
4 all these things, and, you know, you can tell she's
5 disinterested, "Yeah, well, you'll get caught," you can just
6 tell by her tonal inflection.

7 When he talks to his daughter Hillary Doggart Greer
8 in South Carolina and he talks about, "We are going to do a
9 preemptive strike--" I think I've got this somewhere. "We
10 are going--" Here it is. This is Exhibit 119. Right there,
11 "And in Texas coming up on the 15th of April, we're going to
12 preempt it."

13 And you've heard this before. Her response is, "Oh,
14 Dad." She doesn't believe it. She doesn't want to believe
15 it. She thinks, "Well, come on." Much like his daughter that
16 testified today, Mrs. Atkins, that's not the man she knew,
17 that's not the man she wants to hear about. And God bless
18 them. To have this kind of thing going on in your family, how
19 horrible must it be.

20 But what happens when Doggart says it to William
21 Tint? "We need to go in there and burn those three
22 buildings," on March 22nd, the date of Count 3, "We need to go
23 in there and burn those three buildings and put them out of
24 commission."

25 (Brief pause.)

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1 MR. PIPER: "I don't want to kill anybody, but if we
2 burn down their-- There's our three targets, there's the
3 kitchen, the mosque, and of course their school. If we take
4 out those three buildings, those three components, we can just
5 walk away."

6 What's William Tint's response to that? It's not,
7 "Oh, Dad," or, "Oh, Bob," or "Oh, Senator," it's, "I have an
8 EOD guy. I have an EOD guy. Explosives ordinance disposal,
9 that's the guy that I've got."

10 And then Mr. Best wanted to make a deal -- "Well, he
11 didn't know what an EOD guy --"

12 Well, apparently he does, because he says, "Well,
13 then, that is important, because we were going to discuss
14 before going up there what kind of incendiary devices we're
15 going to use, what kind of accelerants we're going to use."

16 Does that sound like a plan to you, ladies and
17 gentlemen? Does that sound like a threat to burn this --
18 these buildings down, a threat communicated in interstate
19 commerce over a cellular telephone? The Judge is going to
20 instruct you that's an instrumentality of interstate commerce.

21 THE COURTROOM DEPUTY: Mr. Piper, you have two
22 minutes.

23 MR. PIPER: Thank you.

24 He says he's not unreasonable in his belief that
25 there were terrorists at Islamberg. The problem with that is,

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Rebuttal Argument by Mr. Piper

1 he has a preconceived notion about what he's going to do.
2 He's not soliciting people to go up and do a recon, ladies and
3 gentlemen. He is soliciting people to go up and destroy these
4 buildings and kill other people. He's the guy that says,
5 "Children -- I don't want to kill children, but there's always
6 collateral damage."

7 His son-in-law said, "I would be surprised if he
8 said that." But he shouldn't have been, because he says it
9 all the time.

10 The Court's going to instruct you on reasonable
11 doubt—this is the last thing I'm going to say—and the
12 Court's going to tell you that a reasonable doubt is based
13 upon reason and common sense. When you use your common sense
14 in this case, like Mr. Mody said, I submit to you there's only
15 one verdict that's appropriate, and that's guilty. Thank you.

16 END OF EXCERPT

17

18

19 I, Elizabeth B. Coffey, do hereby certify that I
20 reported in machine shorthand the proceedings in the
21 above-styled cause, and that this transcript is an accurate
22 record of said proceedings.

23

24

25

s/Elizabeth B. Coffey
Elizabeth B. Coffey,
Official Court Reporter

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